

Capitola City Council

Agenda Report



Meeting: January 30, 2025

From: City Manager's Department

Subject: Appointment of Successor to Vacant City Council Seat

Recommended Action: 1) Review applicants to fill the vacancy left on the City Council by former Mayor Yvette Brooks, 2) assess and discuss applicants, and 3) by motion, select and appoint a successor to fill the vacancy.

Background: On January 3, 2025, Yvette Brooks announced her resignation from the City Council effective January 15, 2025. The requirements to fill a vacancy on the City Council are defined by Government Code Section 36512.

Section 36512(b) states if a vacancy occurs in an elective office, the Council shall, within 60 days from the commencement of the vacancy, either call a special election to fill the vacancy or fill the vacancy by appointment.

At the January 9, 2025, meeting, the City Council declared a vacancy and announced its intent to fill the vacant City Council seat by appointment. The City Council directed staff to invite the two remaining candidates from the November 5, 2024, General Municipal Election, Enrique Dolmo Jr. and Margaux Morgan, to be interviewed on January 16, 2025. Due to scheduling conflicts, staff was unable to find a meeting date before January 30, 2025, where the candidates and the entire City Council was available for an interview.

During the special meeting on January 16, 2025, the City Council decided to open an application period from January 17, 2025, through January 23, 2025, at 5:00 PM. The application (Attachment 1) included a request for basic information from the applicant, a request for a resume/CV, and four questions.

The application period closed on January 23, 2025, at 5:00 PM. The City Clerk received 10 applications. All applicants have been confirmed to be qualified for the position.

Discussion: During the January 16, 2025, special meeting, the Council discussed an interest in using ranked-choice voting (RCV) to help establish the top applicant to fill the vacancy. While Council may employ tools like RCV or other methods to help establish the top candidate, ultimately, the appointment will require a motion and an affirmative vote from a majority of the City Council.

Ranked-Choice Voting: RCV is an election method in which voters rank candidates for an office in order of their preference (first choice, second choice, third choice, and so on). If a candidate receives more than half of the first choices, that candidate wins, just like in any other election. However, if there is no majority winner after counting the first choices, the race is decided by an instant runoff. The candidate with the fewest votes is eliminated, and voters who ranked that candidate as their first choice will have their votes count for their next choice. This process continues until a majority winner, a candidate with more than half of the vote, wins.

RCV is an excellent tool to help establish the overall preferences of a large electorate, however it is unlikely to assist in decision making by a group of four people¹.

Modified Ranked-Choice Voting: Because there are only four Council Members participating in the RCV process, there is a high likelihood that RCV would not help in the event there is not a simple majority for one candidate in the first round. Therefore, staff recommends a modified version of RCV to review the

¹ For example, in a scenario where two Council Members' first choice is Candidate A and two Council Members' first choice is Candidate B, no candidates can be eliminated as they have the same number of votes. In another example, where there are two votes in favor of A, 1 in favor of B, and 1 in favor of C, B and C would both be eliminated at the same time, as they have fewer votes than A and the same number of votes. In this case all candidates except A would have been eliminated, even if one of the other candidates received more first and second preference votes than A.

applicants, sometimes called “order of merit”. Following an opportunity for public comment, each Council Member can provide their top applicant choice. If there is a consensus (at least three Council Members in favor of one candidate), the Council may proceed to appoint the applicant by a motion and a vote. If there is less than a majority for a candidate, the Order of Merit process would begin, and the Council would provide their second-choice applicant. Candidates will be given three points for a first choice, two for second. If, after two rounds, a top applicant can be identified, the Council should proceed with a motion to appoint (Table 1).

Table 1					
	<i>Council Member 1</i>	<i>Council Member 2</i>	<i>Council Member 3</i>	<i>Council Member 4</i>	
3 points	Applicant 1	Applicant 1	Applicant 3	Applicant 3	Tied
2 points	Applicant 3	Applicant 2	Applicant 1	Applicant 1	
Results					
Applicant 1					10
Applicant 2					2
Applicant 3					8
Applicant 1 wins					

If a third round is needed, one point would be assigned for third place, and Council could appoint the top candidate by motion (Table 2).

Table 2					
	<i>Council Member 1</i>	<i>Council Member 2</i>	<i>Council Member 3</i>	<i>Council Member 4</i>	
3 points	Applicant 1	Applicant 1	Applicant 3	Applicant 3	Tied
2 points	Applicant 3	Applicant 2	Applicant 4	Applicant 1	Tied
1 point	Applicant 2	Applicant 4	Applicant 1	Applicant 2	
Results					
Applicant 1					9
Applicant 2					4
Applicant 3					8
Applicant 4					3
Applicant 1 wins					

It should be noted this process, along with any other, could still potentially yield a tie given there are only four Council Members. If that were to occur, Council will need to consider how best to proceed to fill the vacancy.

The Council must either appoint a successor to the vacant seat or call a special election no later than 60 days from the commencement of the vacancy, pursuant to Government Code Section 36512 (b). This appointment deadline is March 13, 2025, following the commencement of the vacancy on January 13, 2025.

Public Outreach: Following the Council's decision to accept applications, staff prepared the application form and an associated webpage, which was promoted on the City's website (cityofcapitola.org). In addition, staff issued and distributed a press release on January 17, 2025, a special edition of the Capitola Waves Newsletter, a social media post and story in English and in Spanish, and hard copy flyers in English and in Spanish to the business community and City-owned kiosks.

Fiscal Impact: There would be no fiscal impact to appoint a replacement Councilmember to fill the vacancy. The current adopted budget does not include funding for a special election. Should Council direct staff to prepare documentation for such an election, staff would work with the County Clerk to determine estimated election costs and prepare a budget amendment.

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